

## REMARKS

Claims 1 through 9 and new Claims 10 and 11 are pending in the application.

Claim 9 has been canceled, without prejudice or disclaimer to the filing of continuing applications thereon.

Claims 10 and 11 have been added to complete the record for examination and highlight advantageous embodiments of the invention.

Claim 10 is directed to advantageous processes for preparing cyclic phosphonic anhydride in which R is an open-chain, cyclic or branched C<sub>1</sub> to C<sub>8</sub>- alkyl radical. Support for Claim 10 can be found in the Application-as-filed, for example in Claim 1 as-filed.

Claim 11 is directed to advantageous process for preparing cyclic phosphonic anhydride in which n is 1 and R is propyl. Support for Claim 1 can be found in the Application-as-filed, for example on Page 7, lines 1 through 25 (Examples 1 and 2).

Examination of this application and formal notification of the allowability of the pending claims are earnestly solicited in light of the remarks which follow.

Election of Group I Without Traverse

The Office Action of February 25 restricts the claims into two groups:

Group I: Claims 1 through 8, drawn to processes of making of cyclic trimeric phosphonic anhydride of formula (III) and

Group II: Claim 9, drawn to methods of forming amine bonds in the presence of the cyclic trimeric phosphine anhydride of formula (III).

Applicants hereby elect without traverse the claims of Group I, i.e. Claims 1 through 8, directed to processes in accordance with the invention. Accordingly, please cancel Claim 9, solely to advance prosecution and without prejudice or disclaimer to the filing of continuing applications thereon, as noted above.

Provisional Election of Species With Strong Traverse

The Office Action of February 25 at Page 3, Ref. No. 3 and Page 5, Ref. No. 4 urges that Applicants must also elect a single species for search purposes.

Applicants respectfully make of record that the claimed invention is directed to advantageous processes, and products formed by such processes. The advantageous inventive processes may be used to form a wide variety of products, as indicated by the recited chemical formula III.

Applicants respectfully strongly traverse the foregoing species restriction, as the recited species are presented as alternative products that may be formed by the inventive processes. Particularly, the R-group alternatives have a common property, i.e. they are each pendant groups, and each R belongs to a recognized class of chemical compounds, i.e. organic compounds.

Furthermore, there is an expectation that all recited R-group members could readily alternatively be formed by the inventive processes. Accordingly, Applicants respectfully request withdrawal of the foregoing species restriction.

Irregardless, out of an abundance of caution and solely to ensure pendency of the above-referenced case, Applicants provisionally elect (for search purposes) with strong traverse the species defined in newly added Claim 10. Unfortunately, the outstanding Office Action provided little guidance as to the breadth of species that would be deemed acceptable. Consequently, should the embodiments of Claim 10 likewise be deemed overly broad for search purposes, Applicants alternatively provisionally elect with strong traverse the species defined in newly added Claim 11.

Applicants further respectfully make of record that the claimed methods, comprising reaction of a phosphonic acid derivative with acetic anhydride with simultaneous distillative removal of a mixture of acetic acid and acetic anhydride and subsequent reactive distillation of the oligomeric phosphonic anhydride and conversion to the corresponding cyclic phosphonic anhydride, are not taught or suggested by Watanabe et al. CAS: 116:132130.

#### Conclusion

It is respectfully submitted that Applicants have made a significant and important contribution to the art, which is neither disclosed nor suggested in the art. It is believed that all of pending claims 1 through 11 are in condition for immediate allowance. It is requested that the Examiner telephone the undersigned if any questions remain to expedite examination of this application.

It is not believed that fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional fees are necessary to allow consideration of this paper, the fees are hereby authorized to be charged to Deposit Account No. 50-2193.

Respectfully submitted,

*Cathy Moore*

Cathy R. Moore  
Reg. No. 45,764

ProPat, L.L.C.  
425-C South Sharon Amity Road  
Charlotte, North Carolina 28211-2841  
Telephone (704) 365-4881

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office to (571) 273-8300 on March 25, 2008.

*Claire Wygand*  
Claire Wygand